

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DAVID TYSON, JR.,

Plaintiff,

v.

**RICHARDSON INDEPENDENT
SCHOOL DISTRICT, et al.,**

Defendants.

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CIVIL NO. 3:18-CV-0212-K

DEFENDANTS' DESIGNATION OF EXPERTS

TO THE HONORABLE COURT:

Pursuant to Rule 23(a)(2)(A) of the Federal Rules of Civil Procedure and the Court's Scheduling Order signed on April 27, 2018, Defendants designate the following individuals who may be called at trial to present expert testimony and evidence:

- 1) Dr. Bill Rives
3630 Romnay Road
Columbus, Ohio 43220
Tel: (614) 326-0613

Dr. Rives is expected to testify concerning prong 1 of the *Thornburgh v. Gingles* threshold requirements, as summarized in his responsive expert report, which will be submitted to counsel for the Plaintiff in accordance with the Scheduling Order signed by the Court on April 27, 2018. A full description of Dr. Rives' opinions, the facts or data he considered, and any exhibits that he will use to summarize or support his opinions, will be contained within his responsive report. Dr. Rives is expected to testify at trial as to any matter contained in his deposition testimony, if any, as well as to any matters contained in his expert report, and/or the documents reviewed in connection with the preparation of his report.

Dr. Rives is a demographer and Senior Lecturer in the Department of Finance at Ohio State University. His qualifications, as summarized within his curriculum vitae, including a list of those cases in which Dr. Rives has testified at trial or by deposition, will be provided to counsel for the Plaintiff. Defendants have retained Dr. Rives at a rate of \$250.00 per hour.

- 2) Dr. John R. Alford
Department of Political Science
Rice University
P.O. Box 1892
Houston, Texas 77251
Tel: (713) 348-3364

Dr. Alford is expected to testify concerning prongs 2 and 3 of the *Thornburgh v. Gingles* threshold requirements, as well as the totality of the circumstance factors, as summarized in his responsive expert report, which will be submitted to counsel for the Plaintiff in accordance with the Scheduling Order signed by the Court on April 27, 2018. A full description of Dr. Alford's opinions, the facts or data he considered, and any exhibits that he will use to summarize or support his opinions, will be contained within his responsive report. Dr. Alford is expected to testify at trial as to any matter contained in his deposition testimony, if any, as well as to any matters contained in his expert report, and/or the documents reviewed in connection with the preparation of his report.

Dr. Alford is a Professor in the Department of Political Science at Rice University. His qualifications, as summarized within his curriculum vitae, including a list of those cases in which Dr. Rives has testified at trial or by deposition, will be provided to counsel for the Plaintiff. Defendants have retained Dr. Alford at a rate of \$300.00 per hour.

- 3) Carlos G. Lopez
Thompson & Horton LLP
500 North Akard Street, Suite 3150
Dallas, Texas 75201
Tel: (972) 734-5490

Lisa R. McBride
Arturo G. Michel
Thompson & Horton LLP
Phoenix Tower, Suite 2000
3200 Southwest Freeway
Houston, Texas 77027-7554
Tel: (713) 554-6767

Mr. Lopez, Ms. McBride and Mr. Michel will testify either in person or by affidavit, as the circumstances may dictate, regarding the reasonableness of attorneys' fees sought by the parties to this lawsuit. Mr. Lopez, Ms. McBride and Mr. Michel will provide an expert report and other information required by Federal Rule of Civil Procedure 26(a)(2)(B) after the designation and receipt of the reports of Plaintiff's experts, if any. In forming their opinions as to the reasonableness of attorneys' fees sought in this lawsuit, Mr. Lopez, Ms. McBride and Mr. Michel will rely on factors established in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974), *Farrar v. Hobby*, 506 U.S. 103 (1992), and *Hensley v. Eckerhart*, 461 U.S. 424 (1983), consistent with the current law, and the Texas Disciplinary Rules of Professional Conduct 1.04, Section 9, Article X of the State Bar Rules. Those factors include the following: (1) the time and labor required; (2) the novelty and difficulty of the questions presented; (3) the skill required to perform the legal service properly; (4) the preclusion of other employment by the attorney due to acceptance of the case; (5) the customary fee in the community; (6) the contingent nature of the fee award; (7) the time limitations imposed by the circumstances of the case; (8) the amount involved and the results obtained; (9) the experience, reputation and ability of the attorneys; (10) the desirability of the case; (11) the nature and length of the professional relationship with the client; and (12) awards in similar cases.

The opinions of Mr. Lopez, Ms. McBride and Mr. Michel also will be based on their experience in handling civil rights cases, including specifically Voting Rights Act cases, involving public schools, institutions of higher education, and other governmental entities; their

knowledge of the litigation of this matter; their knowledge of fee awards in the community; and their knowledge of the billing rates of attorneys in the community. The opinions also will be based on their review of any published billing rate surveys, including those published by the State Bar of Texas and *Texas Lawyer*. The remainder of the report of Mr. Lopez, Ms. McBride and Mr. Michel will be submitted in response to motions, testimony, or affidavits offered in support of a request for attorneys' fees in this action. The curriculum vitae of Mr. Lopez, Ms. McBride and Mr. Michel are available at www.thompsonhorton.com. Hard copies are also available upon request by counsel for the Plaintiff. Mr. Lopez, Ms. McBride and Mr. Michel reserve the right to render opinions based on the reasonableness and necessity of time expended for the parties and about the relationship of such time to the results achieved. Likewise, Mr. Lopez, Ms. McBride and Mr. Michel reserve the right to, and fully expect to, revise their opinions regarding each of the factors mentioned above to the extent that information obtained through discovery or otherwise would be material to their opinions.

CROSS DESIGNATION OF EXPERTS

The Defendants reserve the right to elicit, by way of cross-examination, opinion testimony from any properly designated and qualified experts that may be called to testify by the Plaintiff.

RIGHT TO WITHDRAW DESIGNATION OF ANY EXPERT

The Defendants reserve the right to withdraw the designation of any expert witness and to aver positively that any such previously designated expert witness will not be called as a witness at trial and to re-designate same as a consulting expert, who cannot be called by any other party or counsel.

RESERVATION OF RIGHTS

Defendant reserves the right to supplement or revise these disclosures, its experts opinions based on the progress of the case, and designate other expert witnesses whose testimony cannot be anticipated at this time. The Defendants also reserve the right to call rebuttal expert witnesses whose testimony cannot be anticipated at this time.

Respectfully submitted,

/s/ Lisa R. McBride
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

On July 16, 2018, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the Court. I hereby certify that on the same date, a true and correct copy of the foregoing document was forwarded to counsel for the Plaintiff by electronic mail at the following address:

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/s/ Lisa R. McBride

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